



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: March 29, 2005

Department: Zoning, Building, Planning & Environmental Health **Staff Contact:** Brennon Williams, Zoning Administrator

TITLE: APPEAL of the Board of Adjustment's denial of an appeal for an amendment to a Special Use Permit for Four Mobile Homes (CO-50005/BA-50021/CSU-77-37)

BOARD OF ADJUSTMENT RECOMMENDATION:

Denial

SUMMARY:

On February 2, 2005, the Board of Adjustment (BA) voted 4-0 (Commissioner Holcomb, Pacias, & Montano excused) to deny the appeal, thereby uphold the decision of the Zoning Administrator in granting an amendment to an existing Special Use Permit for Four Mobile Homes (CSU-77-37). The subject property is located at 9314 Guadalupe Trl. NW, zoned R-1, containing approximately .77 acres. The BA decision was based on four Findings and one Condition (Attachment 2).

On November 9, 2004, the Zoning Administrator authorized an administrative amendment to CSU-77-37. The property owner proposed changing the layout of the mobile homes on the property, adding landscaping along the western perimeter of the lot, and the future placement of a vineyard or playground area toward the east end of the property.

The appellant appealed the decision to the BA, indicating that the original approval of the request was issued erroneously, and that the amendments were contrary to the criteria necessary for approval (Attachment 3, pp. 26 – 27). The BA unanimously disagreed with the arguments presented, finding that CSU-77-37 had been issued correctly and the authorized amendments were consistent with the applicable provisions.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes the Zoning Administrator to permit an amendment to a special use permit if the changes result in an equal or less intense use of the land as compared to that first approved by the Board of County Commissioners; and that no minimum or additional requirement imposed on any development plan would be modified.

ATTACHMENTS:

1. Appeal materials
2. Board of Adjustment Notice of Decision (February 4, 2005)
3. Board of Adjustment packet (February 2, 2005, hearing)
4. Material submitted in support of the appeal to Board of Adjustment
5. Site plan pertaining to amendment (Commissioners only)

STAFF ANALYSIS SUMMARY:

Zoning/Building/Planning/Environmental Health:
Staff recommends denial of the appeal